

ORDINANCE NO. 08-56

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A PYLON SIGN HAVING A TOTAL SIGN AREA OF 135 SQUARE FEET, WHERE A MAXIMUM SIGN AREA OF 77.8 SQUARE FEET IS ALLOWED, CONTRA TO HIALEAH CODE §74-218(1)c. **PROPERTY LOCATED AT 1135 WEST 68 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of May 14, 2008, recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow a pylon sign having a total sign area of 135 square feet, where a maximum sign area of 77.8 square feet is allowed, contra to Hialeah Code §74-218(1)c., which provides in pertinent part: "*Maximum area.* There shall be permitted one square foot of sign area for every three feet of frontage on a public right-of-way. In no instance may the total sign area exceed 300 square feet for signs facing in the same direction or general bearing.". Property located at 1135 West 68 Street, Hialeah, Miami-Dade County, Florida, zoned C-2 (Liberal Retail Commercial District) and legally described as follows:

TRACT B OF COLONIAL AT HIALEAH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 165, PAGE 46, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

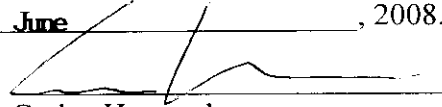
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

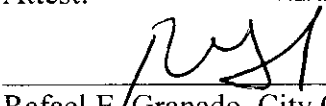
This ordinance shall become effective when passed by the City Council of the City of Hialeah, Florida, upon signature of the Mayor of the City of Hialeah or at the next regularly scheduled City Council meeting if the Mayor's signature is withheld or if the city council overrides the Mayor's veto.

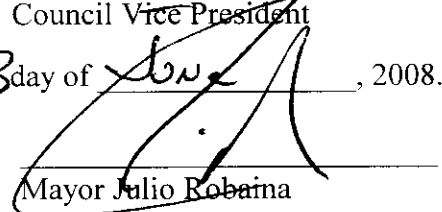
PASSED and ADOPTED this 10th day of June, 2008.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041

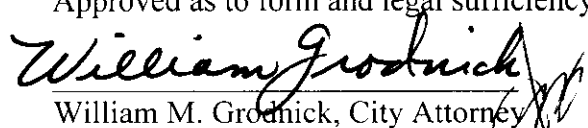

Carlos Hernandez
Council Vice President

Attest: PRIOR TO FINAL READING. Approved on this 13 day of June, 2008.


Rafael E. Granado, City Clerk


Mayor Julio Robaina

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

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Ordinance was adopted by a 5-1-1 vote with Councilmembers Caragol, Casals-Munoz, Garcia-Martinez, Gonzalez, and Yedra voting "Yes", Councilmember Bovo absent, and Councilmember Hernandez abstained.